

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

DANIEL ARIZA-GARCIA,

Defendant.

4:13CR3130

MEMORANDUM AND ORDER

Defendant has moved to continue the pretrial motion deadline, (filing no. 128), because the defendant needs to consider and decide whether to enter a guilty plea before deciding whether to file pretrial motions. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 128), is granted.
- 2) As to defendant Ariza-Garcia, pretrial motions and briefs shall be filed on or before February 17, 2014.
- 3) Trial of this case remains scheduled to commence on February 24, 2014.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and February 17, 2014, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

January 20, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge